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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,990	12/31/2001	Herbert M. Reynolds	1335.00008	4532
27305	7590	06/15/2004	EXAMINER RAEVIS, ROBERT R	
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			ART UNIT 2856	PAPER NUMBER

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/035,990	REYNOLDS ET AL.
	Examiner Robert R. Raevs	Art Unit 2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 May 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-65 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 40-50 is/are allowed.

6) Claim(s) 1-3,6-9,11-16,32-39 and 51-65 is/are rejected.

7) Claim(s) 4,5,10 and 17-31 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 55,56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 55, "said two-way, horizontal displacement" lacks antecedent basis.

Claims 1-3,6-8,11-16,32-39,51-60,62-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaptur, Jr. et al.

Kaptur, Jr. teaches a design template is used to check a seat within a vehicle, the template including a torso section 108 representing a torso of an average size (see col. 2, line 4), and inherently employing a posture (see Figure 1) and a waist (the waist viewable in Figure 6 adjacent the "108", and indirectly referred to in the teaching that the rear outer surface 110 of the pan 108 confirms to the contour of the outer surface of the back of a predetermined human male, on col. 3, lines 33-39. The template including at least one cross-sectional section of the torso cooperating with said torso section torso at the waist, the at least one cross-sectional section representing a cross-sectional of the torso and being generally at a right angle to the torso section and describing a body seat interface at the at least one anatomical landmark, the landmark being located on the body seat interface, the body seat interface described by the torso section and the at least one cross-sectional section being three dimensional.

As to claims 1-3,8,11,15,51-60, the "waist" may be deemed to be an anatomical landmark, as it defines the part of the human torso between the bottom of the rib cage and the pelvis.

As to claims 6,7, note col. 4, lines 56-58, 66-75.

As to claims 11-14, Kaptur's reference to "accommodation checking" (col. 1, line 10) and "seat locations" (col. 1, line 35) are inclusive of all known seat positions, including all the way back.

As to claim 15,32,33,34,35,36,37,38,39,62-65, determination of whether a seat is "satisfactory" (col. 1, line 14) provides for a step in designing a seat, if not the seat itself. Also, regions (patches) of the seat are for support portions of the template.

As to claim 16, note the curved portion of part 108 in Figure 1.

Claims 9 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaptur et al in view of Ekern et al.

Comments that exist above similarly apply here.

As to claims 9 and 61, it would have been obvious to employ an occupant restraint system upon Kapur's template because Ekern teaches (p. 125, left column, first paragraph of the "INTRODUCTION") that "restraint positioning" is a factor in accurately locating seated occupants in a vehicle, suggestive of application of a restraint system in Kaptur to assure that the template is properly positioned.

Claims 4,5,10,17-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevs whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 6:30am to

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4:00pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Raven

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